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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,609	06/29/2001	David E. Jakopac	099307-607	6516

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NIXON PEABODY, LLP  
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WASHINGTON, DC 20004-2128

EXAMINER
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LUU, LE HIEN

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/893,609

Applicant(s)

JAKOPAC ET AL.

Examiner

Le H Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/29/01 - 10/29/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-18, 20-28, 30-38 and 40-42 is/are rejected.
- 7) ☒ Claim(s) 9, 19, 29 and 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-42 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. New corrected drawings are required in this application because applicant does not provide suitable descriptive legends for figures 1-11. Applicant is required to provide suitable descriptive legends for understanding of the drawing in addition to reference numbers. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 5-8, 11, 15-18, 21, 25-28, 31, 35-38, 41-42 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dillon et al. (Dillon) patent no. 6,658,463.

6. As to claim 1, Dillon teaches the invention as claimed, including a data compression system comprising: a level management device that identifies one or more portions of data to be selectively compressed; and a data compression module that compresses the one or more portions of data (col. 15 line 61 - col. 16 line 37).

7. As to claims 5-6, Dillon inherently teaches the one or more portions of compressed data can be selectively decompressed, and when the one or more portions of compressed data are selectively decompressed, one or more portions of other data remain compressed (col. 14 lines 4-6; col.15 lines 49-54).

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8. The system of claim 7, wherein the data compression system allows dynamic access to and updating of a content, a structure and a style of a document (col. 2 lines 46-62).

9. As to claim 8, Dillon teaches the data compression scheme is based on a document object model for at least one of XML and HTML (col. 13 lines 6-16).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4, 10, 12-14, 20, 22-24, 30, 32-34, and 40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Dillon et al. (Dillon) patent no. 6,658,463, in view of Ronstrom patent no. 6,249,788.

11. As to claim 2, Dillon teaches the invention substantially as claimed as discussed above; however, Dillon does not explicitly teach a root module that updates portions of a document tree with pointers to the one or more portions of data. Ronstrom teaches a B-tree that has a root node which includes root-element 1E. The root element links to a first intermediate node which includes elements 2E1, 2E2, 2E3, ... Each of these elements links to a further intermediate node which includes further elements 3E1, 3E2, 3E3, ... The elements 3E1, 3E2, 3E3, ... in the intermediate node link further to a leaf--

nodes that includes plurality of leaf-elements (Figure 2, col. 6 lines 36-67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of Dillon and Ronstrom's tree-structure for database to have a root module that updates portions of a document tree with pointers to the one or more portions of data because it would reduce storage space requirement.

12. As to claims 3 and 10, Ronstrom teaches the document tree comprises a hierarchical structure of a document; the level management device reads at least a portion of a hierarchically structured document (Abstract).

13. As to claim 4, Ronstrom teaches an index module that indexes the one or more portions of compressed data (col. 1 lines 54-58).

14. Claims 11-18, 20-28, 30-38, and 40-42 have similar limitations as claims 1-8 and 10; therefore, they are rejected under the same rationale.

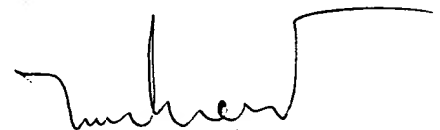
15. Claims 9, 19, 29, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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LE HIEN LUU  
PRIMARY EXAMINER

December 07, 2004